

EXHIBIT B

From: [Furman, Austin \(CIV\)](#)
To: [Daniel Horowitz](#); [Stern, Paul David \(CIV\)](#)
Cc: [GeorgeAnn Carmichael](#); [Melva Trevino](#); [Jamal Alsaffar](#); [Justin Demerath](#); [jwebster@thewebsterlawfirm.com](#); [Handler, Stephen \(CIV\)](#); [Krieger, Jocelyn \(CIV\)](#)
Subject: RE: Sutherland Springs (Depo of Danielle Smith)
Date: Thursday, June 25, 2020 11:17:03 AM
Attachments: [image001.png](#)
[image002.png](#)

Because we intend to have the Court rule on the Fifth Amendment issue, we are postponing next Tuesday's deposition. Once the Court rules, we will reschedule the deposition at a time and place convenient for all involved. Thank you.

Austin L. Furman
Trial Attorney, Torts Branch (FTCA)
U.S. Department of Justice
(202) 616-4272

From: Daniel Horowitz <daniel@ddhlawyers.com>
Sent: Thursday, June 25, 2020 12:08 PM
To: Furman, Austin (CIV) <aufurman@CIV.USDOJ.GOV>; Stern, Paul David (CIV) <pstern@CIV.USDOJ.GOV>
Cc: GeorgeAnn Carmichael <Georgeann@ddhlawyers.com>; Melva Trevino <melva@ddhlawyers.com>; Jamal Alsaffar <jalsaffar@nationaltriallaw.com>; Justin Demerath <jdemerath@808west.com>; jwebster@thewebsterlawfirm.com; Handler, Stephen (CIV) <SHandler@CIV.USDOJ.GOV>; Krieger, Jocelyn (CIV) <jokriege@CIV.USDOJ.GOV>
Subject: RE: Sutherland Springs (Depo of Danielle Smith)

How is anyone able to tell you what questions we will assert a privilege to without first knowing the questions? Danielle has a fundamental right not to answer questions which may be used against her at a latter date.

To be clear, are you cancelling the deposition of Danielle Smith?

Sincerely,



Daniel D. Horowitz, III*^

2100 Travis Street, Suite 280

Houston, Texas 77002

O: 832-460-5181

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C: 832-483-3060

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^Also Licensed in New Mexico

Please don't text or email while driving. It's not that important.

From: Furman, Austin (CIV) <Austin.L.Furman@usdoj.gov>

Sent: Thursday, June 25, 2020 10:58 AM

To: Daniel Horowitz <daniel@ddhlawyers.com>; Stern, Paul David (CIV) <Paul.David.Stern@usdoj.gov>

Cc: GeorgeAnn Carmichael <Georgeann@ddhlawyers.com>; Melva Trevino <melva@ddhlawyers.com>; Jamal Alsaffar <jalsaffar@nationaltriallaw.com>; Justin Demerath <jdemerath@808west.com>; jwebster@thewebsterlawfirm.com; Handler, Stephen (CIV) <Stephen.Handler@usdoj.gov>; Krieger, Jocelyn (CIV) <Jocelyn.Krieger@usdoj.gov>

Subject: RE: Sutherland Springs (Depo of Danielle Smith)

Daniel,

Because you have not specified the matters on which Danielle will or will not assert her Fifth Amendment privilege at her deposition, we intend to seek a ruling from the Court on the privilege issue prior to the deposition. As you may be aware, a deposition in this litigation took place earlier this week in which the deposition was cut short by improper Fifth Amendment assertions. We seek to avoid imposing unnecessary costs on the parties, and wasting unnecessary time, by having a similar situation next Tuesday. Accordingly, the best course of action at this time is to have the Court rule on the Fifth Amendment concerns that you raised with us for the first time two days ago on Tuesday, June 23, 2020. Once the Court rules, we will reschedule the deposition at a time and place convenient for all involved. Thank you.

Austin L. Furman
Trial Attorney, Torts Branch (FTCA)
U.S. Department of Justice
(202) 616-4272

From: Daniel Horowitz <daniel@ddhlawyers.com>

Sent: Tuesday, June 23, 2020 3:54 PM

To: Stern, Paul David (CIV) <pstern@CIV.USDOJ.GOV>

Cc: GeorgeAnn Carmichael <Georgeann@ddhlawyers.com>; Melva Trevino <melva@ddhlawyers.com>; Jamal Alsaffar <jalsaffar@nationaltriallaw.com>; Justin Demerath <jdemerath@808west.com>; jwebster@thewebsterlawfirm.com; Furman, Austin (CIV) <aufurman@CIV.USDOJ.GOV>; Handler, Stephen (CIV) <SHandler@CIV.USDOJ.GOV>; Krieger, Jocelyn (CIV) <jokriege@CIV.USDOJ.GOV>

Subject: Re: Sutherland Springs (Depo of Danielle Smith)

Depends on the questions asked.

Sincerely,

Daniel D. Horowitz, III*

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Houston, TX 77002

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On Jun 23, 2020, at 2:27 PM, Stern, Paul David (CIV) <Paul.David.Stern@usdoj.gov> wrote:

Daniel,

Given that this is the first time you are raising this issue, we will need to some time to review your letter. However, just so we are on the same page, when you state that you will instruct Danielle to plead the 5th, would that instruction be for all questions posed to Danielle? I'm sure we all would seek to avoid a meaningless depositions, so clarification on the extent to which you would instruct your witness to assert her right against self-incrimination would be helpful in understanding your position.

Best,

Paul

From: Daniel Horowitz <daniel@ddhlawyers.com>

Sent: Tuesday, June 23, 2020 10:29 AM

To: Furman, Austin (CIV) <aufurman@CIV.USDOJ.GOV>; Stern, Paul David (CIV) <pstern@CIV.USDOJ.GOV>

Cc: GeorgeAnn Carmichael <Georgeann@ddhlawyers.com>; Melva Trevino <melva@ddhlawyers.com>; Jamal Alsaffar <jalsaffar@nationaltriallaw.com>; Justin Demerath <jdemerath@808west.com>; jwebster@thewebsterlawfirm.com

Subject: Sutherland Springs (Depo of Danielle Smith)

Paul, good morning. Attached please find a letter regarding Danielle's deposition and concerns regarding criminal investigations/immunity. Please let me know if the US Government will grant blanket immunity to Danielle for anything related to the Sutherland Springs incident.

I'll need an answer and/or a ruling by the Court regarding this issue before next week's scheduled deposition. In the event we can't get this issue worked out before Tuesday, the only options will be to reschedule the deposition or I'll instruct Danielle to plead the 5th.

Sincerely,

<image001.png>

Daniel D. Horowitz, III*^

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<image002.png>

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